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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/999,106	12/29/1997	RAYMOND W. BENNETT	8285/162	3419

7590 07/30/2003

Law Office of Dale B. Halling, LLC
24 S. Weber Street
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Colorado Springs, CO 80903

EXAMINER

POPE, DARYL C

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 07/30/2003

39

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
08/999,106

Applicant(s)
BENNETT ET AL

Examiner
DARYL C. POPE

Art Unit
2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 2, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-12, 14-34, and 36-53 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-12, 14-34, and 36-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

ART REJECTION:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 2-8,11-12,14,16,18,21-22,24,27-31,34 and 36-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Launey et al(Launey) in view of Heltmann et al(5,939,980).**

-- **Claims 2-8,11-12,14,16,18,21-22,24,27-31,34, and 36-50** recite subject matter that was met by Launey for the reasons of record as discussed in the previous office action, except for:

- 1) the claimed plurality of home controllers.

Although Launey teaches the use of a single home controller and the system being utilized for a single home, use of a plurality of home controllers utilized in a plurality of customer premises is well known in the art. In related art, Heltmann et al(Heltmann) teaches a

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telecommunity alarm system with a plurality of security surveillance modems including control units(see: figure 2) which control the security systems at each particular premises, and as well interact with other modems in the telecommunity(see: column 3, lines 37 et seq).

Since the use of a plurality of home controllers is well known, as seen by Heltmann, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a plurality of customer premises including a plurality of home controllers into the system of Launey, thereby forming a telecommunity alarm system, since this would have provided added security to each particular premises by allowing intercommunication between premises, thereby forming redundancy in alarm monitoring, which would have provided a safer environment for each particular customer premises.

4. Claims 9-10,20,26, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Launey in view of Heltmann as applied to claims 2 and 7 above, and further in view of Joao.

-- Claims 9-10,20,26, and 32 recite subject matter that was met in view of Launey in view of Heltmann as discussed above, and further in view of Joao for the reasons of record as discussed in the previous office action.

5. Claims 15,17,19,23,25, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Launey in view of Joao as discussed in the previous office action and further in view of Heltmann.

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-- **Claims 15,17,19,23,25, and 33** recite subject matter that was met as discussed in the previous office action, except for:

1) plurality of home controllers.

Although Launey teaches the use of a single home controller and the system being utilized for a single home, use of a plurality of home controllers utilized in a plurality of customer premises is well known in the art. In related art, Heltmann et al(Heltmann) teaches a telecommunity alarm system with a plurality of security surveillance modems including control units(see: figure 2) which control the security systems at each particular premises, and as well interact with other modems in the telecommunity(see: column 3, lines 37 et seq).

Since the use of a plurality of home controllers is well known, as seen by Heltmann, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a plurality of customer premises including a plurality of home controllers into the system of Launey, thereby forming a telecommunity alarm system, since this would have provided added security to each particular premises by allowing intercommunication between premises, thereby forming redundancy in alarm monitoring, which would have provided a safer environment for each particular customer premises.

6. Claims 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Heltmann.

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-- **Claims 51-52** recite subject matter that was met by Joao as discussed in the previous office action, except for:

- 1) the claimed plurality of home controllers.

Although Joao teaches the use of a single home controller and the system being utilized for a single home, use of a plurality of home controllers utilized in a plurality of customer premises is well known in the art. In related art, Heltmann et al(Heltmann) teaches a telecommunity alarm system with a plurality of security surveillance modems including control units(see: figure 2) which control the security systems at each particular premises, and as well interact with other modems in the telecommunity(see: column 3, lines 37 et seq).

Since the use of a plurality of home controllers is well known, as seen by Heltmann, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a plurality of customer premises including a plurality of home controllers into the system of Joao, thereby forming a telecommunity alarm system, since this would have provided added security to each particular premises by allowing intercommunication between premises, thereby forming redundancy in alarm monitoring, which would have provided a safer environment for each particular customer premises.

7. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Launey as discussed in the previous office action, and further in view of Heltmann.

-- **Claim 53** recites subject matter that was met as discussed in the previous office action except for:

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1) the claimed plurality of home controllers.

Although Joao in view of Launey teaches the use of a single home controller and the system being utilized for a single home, use of a plurality of home controllers utilized in a plurality of customer premises is well known in the art. In related art, Heltmann et al(Heltmann) teaches a telecommunity alarm system with a plurality of security surveillance modems including control units(see: figure 2) which control the security systems at each particular premises, and as well interact with other modems in the telecommunity(see: column 3, lines 37 et seq).

Since the use of a plurality of home controllers is well known, as seen by Heltmann, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a plurality of customer premises including a plurality of home controllers into the system of Joao in view of Launey, thereby forming a telecommunity alarm system, since this would have provided added security to each particular premises by allowing intercommunication between premises, thereby forming redundancy in alarm monitoring, which would have provided a safer environment for each particular customer premises.

REMARKS:

Response to Arguments

8. Applicant's arguments with respect to claims 2-12,14-34, and 36-53 have been considered but are moot in view of the new ground(s) of rejection as stated above.

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9. Applicants amendment filed 11/1/2000 concerning insertion of the application serial number into the specification has not been entered because applicant attempted to insert the incorrect serial number reading "09/999,106". Appropriate correction is required.

Conclusion

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703)872-9314(for formal communications intended for entry)

and as well:

(703) 872-9314(for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daryl C. Pope whose telephone number is (703) 305-4838. The examiner can normally be reached on M-Th from 8:30 to 6:00 since the examiner works on a compressed work schedule in which every Friday is the examiner's day off.

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All interviews requested, whether personal or telephonic, are to be scheduled for times during the examiner's work hours between Tuesdays-Thursdays during the week. All other time periods requested will only be considered on an emergency basis.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (703) 308-6730. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Daryl C. Pope



**DARYL POPE
PRIMARY EXAMINER**

July 25, 2003